

**EXHIBIT B - CONDITIONS OF APPROVAL
DRC2014-00141 Pace Homes LLC.**

Approved Development

1. This approval authorizes:
 - a. The construction of a two-story, 2,170 square-foot single-family dwelling with attached 430 square-foot garage, a 250 square-foot balcony and a 120 square-foot roof deck on a vacant parcel. The project will result in the disturbance of the entire 3,000 square-foot parcel.
 - b. Maximum height allowed is 25 feet from average natural grade.
 - c. Residential density for property is limited to no more than one single family residence.
 - d. The use of the proposed single family residence as a residential vacation rental.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits** plans submitted shall submit revised development plans with conforming front setback of 25 feet.

Access

3. **At the time of application for construction permits**, public improvement plans shall be prepared in compliance with Section 23.05.106 (Curbs, Gutters and Sidewalks) of the Coastal Zone Land Use Ordinance and San Luis Obispo County Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works. The plan are to include, as applicable:
 - a. Street plan and profile for widening Juanita Avenue to complete the project side of an A-2 urban street section fronting the property.
 - b. Pedestrian easements, as necessary, to contain all sidewalk, driveway and curb ramp improvements that extend beyond the existing right-of-way. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.
 - c. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - d. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.
 - e. Tree removal/retention plan for trees to be removed and retained associated with the required public improvements. The plan shall be approved jointly with the Department of Planning and Building.
4. **At the time of application for construction permits**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase

services, Record Drawings and to certify the final product to the Department of Public Works.

Lighting

5. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

6. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in a Fire Safety Plan prepared by the Five Cities Fire Department for this project.

Services

7. **At the time of application for construction permits**, the applicant shall submit evidence from Oceano CSD that there is adequate water to serve the proposal.
8. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate sewer service to serve the proposal

Airport

9. The construction plans for the proposed residence shall be submitted to the Air Traffic Division of the FAA regional office having jurisdiction over San Luis Obispo County to determine compliance with the provisions of FAR Part 77. In addition, applicable construction activities must be reported via FAA Form 7460-1 **at least 30 days before proposed construction or application for building permit.**

Grading, Drainage, Sedimentation and Erosion Control

10. **At the time of application for construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department in accordance with Section 22.52.110 of the Land Use Ordinance.
11. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the LUO Section for Stormwater Management. Applicable projects shall submit a Stormwater Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval.
12. **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for review and approval by the County.
13. **At the time of application for construction permits**, the applicant shall submit a complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120 of the Land Use Ordinance.

14. **At the time of application for construction permits**, the applicant shall submit evidence to the Department of Public Works that all new structures comply with County flood hazard construction standards, Section 23.07.060 of the Land Use Ordinance.

Conditions to be completed prior to issuance of a construction permit

Fees

15. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Airport

16. **Prior to the issuance of construction permits** for the project, a noise analysis that identifies construction techniques for interior noise attenuation measures in the decrease of the single event noise level of 85 dB to a level 50dB or lower, shall be submitted to the County Planning and Building Department for review. All identified noise attenuation measures shall be incorporated into the construction of the project and shall be shown on the front sheet of the all construction plans submitted for building permits. In addition, the following strategies to further achieve the desired interior noise reduction shall be incorporated into the construction plans:
 - a. Project architect should have noise control as a priority in the design.
 - b. Doors and windows should pressure seal when closed
 - c. All exterior vents should receive a special acoustical treatment
 - d. A mechanical air circulation system will allow for ventilation when the windows are closed and add a noise masking element
17. Avigation easements will be recorded for each property developed within the area included in the proposed local action **prior to the issuance** of any building permit or conditional use permit

Grading, Drainage, Sedimentation and Erosion Control

18. **Prior to issuance of construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

Fire

19. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Five Cities Fire of all required fire/life safety measures.

Development Review

20. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Grading, Drainage, Sedimentation and Erosion Control

21. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices. Devices must be installed in conjunction with any grading and must effectively control siltation.

Access

22. **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Public Works that the road widening improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
23. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

On-going conditions of approval (valid for the life of the project)

24. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
25. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.

Access

26. On-going condition of approval (valid for the life of the project), and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

Airport

27. No structure, landscaping, apparatus, or other feature, whether temporary or permanent in nature shall constitute an obstruction to air navigation or a hazard to air navigation, as defined by the ALUP.
28. Any use is prohibited that may entail characteristics which would potentially interfere with the takeoff, landing, or maneuvering of aircraft at the Airport, including:
 - a. creation of electrical interference with navigation signals or radio communication between the aircraft and airport;
 - b. lighting which is difficult to distinguish from airport lighting;
 - c. glare in the eyes of pilots using the airport;
 - d. uses which attract birds and create bird strike hazards;
 - e. uses which produce visually significant quantities of smoke; and
 - f. uses which entail a risk of physical injury to operators or passengers of aircraft (e.g., exterior laser light demonstrations or shows).
29. All owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) will receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with airport

operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties within the airport area.

Grading, Drainage, Sedimentation and Erosion Control

30. On-going condition of approval (valid for the life of the project), the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
31. On-going condition of approval (valid for the life of the project), the property owner shall be responsible for operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

Residential Vacation Rental Operational Conditions

32. Rental of the single family residence shall not exceed four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) shall occur. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied residence. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.
33. The maximum number of occupants allowed in the residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons, or eight persons total.
34. The residential vacation rental is not to change the residential character of the outside appearance of the building either by the use of colors, materials, lighting, or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.
35. Availability of the rental unit to the public shall not be advertised on site.
36. Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. Normal residential traffic volume means up to 10 trips per day.
37. All parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway. Tenants of the vacation rental shall not use on-street parking at any time.
38. The residential vacation rental shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. The property owners and/or property managers shall insure that the occupants of the residential vacation rental do not create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding

neighborhood. Loud and unreasonable noise shall be evaluated through field observations by a County Sheriff, County Code Enforcement or other official personnel, based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet from the property lines of the rental property.

39. The property owner shall designate a local property manager or contact person. The local property manager or contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate themselves as the local contact person. The following requirements shall apply:
 - a. A notice shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office; the local fire agency and supplied to the property owners within a 200 foot radius of the proposed residential vacation rental site. Distances shall be measured as a radius from the exterior property lines of the property containing the residential vacation rental unit. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person and the standards for noise, parking and maximum number of occupants. A copy of the notice, a form certifying that the notice has been sent and a list of the property owners notified shall be supplied to the Planning and Building Department at the time of application for the Business License and Transient Occupancy Tax Certificate for the residential vacation rental.
 - b. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners. In addition, the standards for parking, maximum occupancy and noise shall be posted inside the residential vacation rental unit and shall be incorporated as an addendum to the vacation rental contracts.
40. The residential vacation rental shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for the residential vacation rental. The Transient Occupancy Tax Certificate number shall be included in all advertising for the residential vacation rental.
41. If the Business License issued for the residential vacation rental expires pursuant to Title 6 of the County Code, a new Zoning Clearance and/or Business License shall be required and shall be subject to all standards as set forth in the Residential Vacation Rental Ordinance (Section 23.08.165).
42. Penalties for violation of these conditions of approval may include revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Violations that will cause the processing of revocation include:
 - a. Failure to notify County staff when the contact person, or contact information, changes.
 - b. Violation of the residential vacation rental tenancy standards.
 - c. Violation of the residential vacation rental maximum occupancy, parking and noise requirements.
 - d. The inability of County staff or the Sheriff's Dispatch to reach a contact person.

ATTACHMENT 2

- e. Failure of the local contact person, or property owner, to respond the complaint.

Three verified violations, as determined by a County Planning and Building staff person, within any consecutive six month period, shall be grounds for revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Signed affidavits by members of the community may be used to verify violations. Revocation of the Minor Use Permit, Zoning Clearance and/or Business License shall follow the same procedure used for land use permit revocation as set forth in Section 23.10.160 of the Coastal Zone Land Use Ordinance. The Director of Planning and Building will hold the initial revocation hearing.

- 43. Any and all advertising for this vacation rental shall be consistent with these conditions of approval.